

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

JUN 30 2011

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

MERSHELL AUSTIN,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

)
)
) Case No. 2:10CV00030
)
)

JUDGMENT

) By: James P. Jones
) United States District Judge
)
)

It appearing that no objections have been timely filed to the Report filed March 11, 2011, setting forth the findings and recommendations of the magistrate judge, it is **ADJUDGED AND ORDERED** as follows:

1. The Report and its findings and recommendations are wholly **ACCEPTED** and **APPROVED**;
2. The motions for summary judgment by the parties are **DENIED**;
3. The final decision of the Commissioner of Social Security is **VACATED** and this action is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
4. The clerk will close this case.

ENTER: June 30, 2011

[Signature]
United States District Judge